

<b>DRAFT 401 Certification 2008-004</b>		<b>FOR PUBLIC REVIEW</b>
February 13, 2009	Public Comment Period Begins February 13, 2009 Public Comment Period Ends March 18, 2009 at 4 pm	
Page 1 of 14	<b>INSTRUCTIONS FOR SUBMITTING COMMENTS:</b> Only written comments will be accepted. Comments may be sent by postal mail, email or fax. Please include the project name/number, your name, organization, mailing address, email address and telephone number with your submittal. By Mail: 401 Certification Program NHDES Watershed Management Bureau P.O. Box 95 Concord, NH 03301-0095 By FAX: 401 Certification Program (603) 271-7894 By email: <a href="mailto:watershed@des.state.nh.us">watershed@des.state.nh.us</a> Questions? Please call (603) 271-2457	

Granite Reliable Power LLC.  
 Attn: Mr. Walter Howard, CEO  
 8 Railroad Avenue  
 Essex, CT 06426

**WATER QUALITY CERTIFICATION**  
**In Fulfillment of**  
**Section 401 of the United States Clean Water Act (33 U.S.C 1341)**  
**WQC # 2008-004**

<b>Activity Name</b>	Granite Reliable Power Windpark
<b>Activity Location</b>	Coos County in the Town of Dummer and the unincorporated places of Millsfield, Odell, Erving's Location and Dixville.
<b>Affected Surface waters</b>	Androscoggin River, Pontook Reservoir, Pond Brook, Little Dummer Pond, Big Dummer Pond, Newell Brook, Phillips Brook, Unnamed Tributaries to Phillips Brook, Watkinson Brook, West Branch Phillips Brook, Kelley Brook, West Inlet to Millsfield Pond, West Branch Clear Stream, an unnamed tributary to Clear Stream, Clear Stream, Cascade Brook, and various unnamed wetlands
<b>Owner/Applicant</b>	Granite Reliable Power, LLC 8 Railroad Avenue Essex, Connecticut 06426
<b>Appurtenant permit(s):</b>	U.S. Army Corps of Engineers Individual Permit DES Wetlands Bureau Permit DES Alteration of Terrain Permit
<b>DATE OF APPROVAL</b> (subject to Conditions below)	Month, Day, Year

### **A. INTRODUCTION**

Granite Reliable Power (GRP) (Applicant), proposes the construction and operation of a new wind power facility consisting of 33 wind turbines and associated electrical interconnection facilities including 2 electrical substations, upgrading approximately 20 miles of existing gravel logging roads, and construction of approximately 12 miles of new gravel access roads in Coos County in the Town of Dummer and the unincorporated places of Dixville, Erving's Location, Millsfield and Odell (Activity). The Activity construction period is expected to take approximately two years, and the operation period is indefinite after completion of construction.

This 401 Water Quality Certification (401 WQC) documents laws, regulations, determinations and conditions related to the Activity for the attainment and maintenance of NH surface water quality standards, including the provisions of NH RSA 485-A:8 and NH Code of Administrative Rules Env-Wq 1700, for the support of designated uses identified in the standards.

### **B. 401 CERTIFICATION APPROVAL**

Based on the findings and conditions noted below, the New Hampshire Department of Environmental Services (DES) has determined that any discharge associated with the Activity will not violate surface water quality standards, or cause additional degradation in surface waters not presently meeting water quality standards. DES hereby issues this 401 WQC subject to the conditions defined in Section E of this 401 Certification, in accordance with Section 401 of the United States Clean Water Act (33 U.S.C. 1341).

### **C. STATEMENT OF FACTS AND LAW**

- C-1. Section 401 of the United States Clean Water Act (33 U.S.C. 1341) states, in part: "Any applicant for a federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters, shall provide the licensing or permitting agency a certification from the State in which the discharge originates or will originate...that any such discharge will comply with the applicable provisions of sections 301, 302, 303, 306, and 307 of this title.....No license or permit shall be granted until the certification required by this section has been obtained or has been waived...No license or permit shall be granted if certification has been denied by the State..."
- C-2. Section 401 further states, in part "Any certification provided under this section shall set forth any effluent limitations and other limitations, and monitoring requirements necessary to assure that any applicant for a Federal license or permit will comply with any applicable effluent

limitations and other limitations...and shall become a condition on any Federal license or permit subject to the provisions of this section."

C-3. RSA 485-A:12, III, states: "No activity, including construction and operation of facilities, that requires certification under section 401 of the Clean Water Act and that may result in a discharge, as that term is applied under section 401 of the Clean Water Act, to surface waters of the state may commence unless the department certifies that any such discharge complies with the state surface water quality standards applicable to the classification for the receiving surface water body. The department shall provide its response to a request for certification to the federal agency or authority responsible for issuing the license, permit, or registration that requires the certification under section 401 of the Clean Water Act. Certification shall include any conditions on, modifications to, or monitoring of the proposed activity necessary to provide assurance that the proposed discharge complies with applicable surface water quality standards. The department may enforce compliance with any such conditions, modifications, or monitoring requirements as provided in RSA 485-A:22."

C-4. RSA 485-A:8 and Env-Wq 1700 (Surface Water Quality Regulations, effective May 21, 2008) together fulfill the requirements of Section 303 of the Clean Water Act that the State of New Hampshire adopt water quality standards consistent with the provisions of the Act.

C-5. Env-Wq 1701.02, entitled "Applicability", states that:

"(a) These rules shall apply to all surface waters.

(b) These rules shall apply to any person who causes point or nonpoint source discharge(s) of pollutants to surface waters, or who undertakes hydrologic modifications, such as dam construction or water withdrawals, or who undertakes any other activity that affects the beneficial uses or the level of water quality of surface waters."

C-6. Env-Wq 1702.18 defines a discharge as:

"a. The addition, introduction, leaking, spilling, or emitting of a pollutant to surface waters, either directly or indirectly through the groundwater, whether done intentionally, unintentionally, negligently, or otherwise; or

b. The placing of a pollutant in a location where the pollutant is likely to enter surface waters."

C-7. Env-Wq 1702.39 defines a pollutant as: "pollutant" as defined in 40 CFR 122.2. This means "dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.)), heat, wrecked or

discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water."

- C-8. Env-Wq 1702.46 defines surface waters as "perennial and seasonal streams, lakes, ponds and tidal waters within the jurisdiction of the state, including all streams, lakes, or ponds bordering on the state, marshes, water courses and other bodies of water, natural or artificial," and waters of the United States as defined in 40 CFR 122.2."
- C-9. Surface waters are navigable waters for the purposes of certification under Section 401 of the Clean Water Act. Surface waters are jurisdictional wetlands for the purposes of wetlands permitting under RSA 482-A.
- C-10. The named and unnamed rivers and streams, lakes and ponds, and wetlands, affected by the Activity, are surface waters under Env-Wq 1702.46.
- C-11. Env-Wq 1703.01 (c) states that "All surface waters shall provide, wherever attainable, for the protection and propagation of fish, shellfish and wildlife, and for recreation in and on the surface waters."
- C-12. Env-Wq 1703.19, entitled "Biological and Aquatic Community Integrity", states that
- "a. The surface waters shall support and maintain a balanced, integrated and adaptive community of organisms having a species composition, diversity, and functional organization comparable to that of similar natural habitats of a region; and
  - b. Differences from naturally occurring conditions shall be limited to non-detrimental differences in community structure and function."
- C-13. Env-Wq 1703.21 (a)(1) states that "Unless naturally occurring or allowed under part Env-Ws 1707, all surface waters shall be free from toxic substances or chemical constituents in concentrations or combinations that injure or are inimical to plants, animals, humans or aquatic life."
- C-14. The Activity reviewed for this 401 Certification requires a federal wetlands permit from the U.S. Army Corps of Engineers under the federal Clean Water Act Section 404. The Applicant will submit an application for a U.S. Army Corps of Engineers individual wetlands permit.
- C-15. The Applicant is responsible for the Activity, including construction and operation.
- C-16. In accordance with RSA 162-H:7, the Applicant submitted an application for a Certificate of Site and Facility to the New Hampshire Site Evaluation Committee in July, 2008.

- C-17. The Applicant filed an application for a DES 401 Water Quality Certification dated July 15, 2008 for the Activity.
- C-18. Plans reviewed for this 401 WQC are entitled "Granite Reliable Power, LLC, Granite Reliable Power Wind Park, Coos County, New Hampshire, July 2008, Revised December 2008".
- C-19. The applicant filed an application for the Activity for a DES Wetlands Bureau Permit dated July 11, 2008.
- C-20. The applicant filed an application for the Activity for a DES Alteration of Terrain Program Permit dated July 11, 2008.
- C-21. The U.S. Army Corps of Engineers (Corps) issued a public notice for the Activity (File Number: NAE-2008-410) on January 27, 2009. After the public comment period ends on February 27, 2009, the Corps is planning to prepare an Environmental Assessment (EA) on the proposed work.
- C-22. The Applicant submitted a Preliminary Water Quality Monitoring Plan, dated September 30, 2008, on October 2, 2008. The plan included preliminary thoughts regarding monitoring during construction and long term post construction monitoring.
- C-23. In the application for 401 Certification, the Applicant stated that a Stormwater Pollution Prevention Plan (SWPPP) will be prepared in accordance with the Environmental Protection Agency's (EPA) Construction General Permit (CGP).
- C-24. In the application for 401 Certification, the Applicant stated that a Spill Prevention Control and Countermeasure (SPCC) Plan in accordance with EPA criteria will be prepared.

#### **D. FINDINGS**

- D-1. The Activity reviewed for this 401 Certification consists of the construction and operation of a new wind power facility consisting of 33 wind turbines and associated electrical interconnection facilities including 2 electrical substations, upgrading approximately 20 miles of existing gravel logging roads, and construction of approximately 12 miles of new gravel access roads in Coos County in the Town of Dummer and the unincorporated places of Dixville, Erving's Location, Millsfield and Odell.
- D-2. The Activity requires water quality certification under Section 401 of the federal Clean Water Act and New Hampshire RSA 485-A:12, III.
- D-3. The Activity will result in a discharge and may cause the permanent alteration of, or temporary impacts to surface waters.

- D-4. Storm water runoff, including snowmelt, and groundwater flow to surface waters from within the area affected by the Activity during warm and cold-weather conditions are discharges under the definitions of Env-Ws 1702.18.
- D-5. Surface waters that could be potentially affected by the Activity and their associated DES assessment unit (AU) numbers (where available) include the following: Androscoggin River (NHRIV400010603-04), Pontook Reservoir (NHLAK400010602-11), Pond Brook (NHRIV400010602-12 and NHRIV400010602-13), Little Dummer Pond (NHLAK400010602-07), Big Dummer Pond (NHLAK400010602-06), Newell Brook (NHRIV400010602-10), Phillips Brook (NHRIV801010704-03 and NHRIV801010704-04), 3 Unnamed Tributaries to Phillips Brook, Watkinson Brook, West Branch Phillips Brook (NHRIV801010704-03), Kelley Brook (NHRIV801010704-03), West Inlet to Millsfield Pond, West Branch Clear Stream (NHRIV400010502-02), an unnamed tributary to Clear Stream, Clear Stream (NHRIV400010502-01), Cascade Brook (NHRIV400010502-01), and various unnamed wetlands adjacent to the Activity.

The potentially affected surface waters are Class B waterbodies; Class B New Hampshire surface water quality standards (SWQS) apply to the Activity. Class B waterways are considered suitable for aquatic life, primary and secondary contact recreation, fish consumption, wildlife, and, after adequate treatment, as a water supply.

According to the NH Fish and Game Department on February 6, 2009, the brooks, streams, rivers, ponds/lakes in the vicinity of the proposed Activity are considered cold water fisheries.

- D-6. In accordance with RSA 162-H:7, the Activity requires a Certificate of Site and Facility from the New Hampshire Site Evaluation Committee.
- D-7. The Activity includes dredge and fill of wetlands. The 401 Certification decision relies, in part, on an approved permit from the DES Wetlands Bureau for the potential construction-related impacts to jurisdictional wetlands, which include all surface waters identified in D-5 of this 401 Certification. Through its processing, and anticipated issuance, the DES wetlands permit will address the dredge and fill impacts to jurisdictional wetlands.
- D-8. The Activity may temporarily or permanently impact surface water hydrologic conditions, such as peak runoff. The 401 Certification decision relies, in part, on an approved permit from the DES Alteration of Terrain Program for the potential construction and operation-related impacts to surface hydrology. Through its processing and anticipated issuance, the DES Alteration of Terrain permit will address the impacts to surface water hydrology and peak flows.

D-9. Primary water quality issues of concern associated with the Activity include potential increases in turbidity and benthic deposits due to land disturbance and wet weather discharges of settleable and suspended solids during and after construction of the Activity; potential increases in water temperature due to reductions in riparian canopy and shading; potential increases in phosphorus and nitrogen due to the addition of fertilizers which can lead to excessive aquatic plant growth; potential spills of lubricating oil for the turbines and electrical transmission facilities; the potential application of herbicides and pesticides; and the potential application of deicing materials, especially those containing chloride such as "rock salt" during the winter months. Other pollutants typically associated with vehicular traffic are not a concern as the project will only result in 2 to 3 vehicle trips per week.

D-10. To control erosion and deposition of settleable and suspended solids in surface waters, the Activity has been designed with the following features: 1) the use of gravel surfaces with stabilized side slopes for access roads and pads that will resist disturbance by vehicular traffic 2) culverts spaced at frequent intervals under access roads to minimize concentration of stormwater flow to ensure that stormwater and shallow groundwater that travels downslope will continue downslope with little diversion by roadside ditches 3) diversion of precipitation on steeper roadway surfaces through use of rubber diverters installed across the roadway at regular intervals to shorten flow path length and reduce erosion forces 4) stabilized ditches to resist erosion, 4) construction of sediment traps at culvert outlets, 5) strategically located outlet locations to provide longer travel times and filtering distances to surface waters, 6) construction of grass treatment swales at select locations, 7) construction of sediment basins at sub-station pads and 8) typical temporary erosion control measures during construction such as silt fences, hay bales, stone check dams etc.

The 401 Certification decision relies, in part, on an approved permit from the DES Alteration of Terrain Program which will ensure that erosion control measures are designed to meet state requirements. Construction and maintenance of erosion control measures as proposed and in accordance with DES Alteration of Terrain permit requirements are not expected to result in water quality violations for turbidity or benthic deposits due to settleable and suspended solids.

To ensure that erosion control measures are functioning properly and are protective of surface waters during construction, erosion control inspections and turbidity monitoring can be required. With regards to inspection of erosion control measures during construction, the plans referenced in C-18 of this 401 Certification, which are also part of the Alteration of Terrain permit application, indicate that the following will be done:

1. A Certified Professional in Erosion and Sediment Control or a Professional Engineer licensed in New Hampshire ("Monitor"), shall be employed to regularly inspect the site;
2. The Monitor shall inspect the site at least once a week and if possible during any ½ inch or greater rain event (i.e., ½ inch of precipitation or more within a 24 hour period) or within 24 hours of such an event;
3. The Monitor shall provide technical assistance to the Contractor on appropriate Best Management Practices for Erosion and Sediment Control requirements;
4. Within 24 hours of each inspection, the Monitor shall submit a report to DES via email. Such reports shall include photographs of the site that are representative of the Activity.

The above construction inspection and reporting requirements, combined with turbidity sampling and a requirement that a sufficient quantity of erosion control supplies shall be kept on site to expeditiously respond to erosion control issues, should be sufficient to ensure and confirm that proposed erosion control measures during construction are not causing or contributing to surface water quality violations.

Similar inspection, maintenance and monitoring can be required to ensure that permanent erosion control measures continue to function properly after construction.

- D-11. The potential discharge of lubricating oils to the ground and surface waters from the turbines and electrical transmission facilities associated with the Activity is a potential water quality concern. The Applicant has stated in its 401 Water Quality application that they will prepare a Spill Prevention Control and Countermeasure (SPCC) Plan in accordance with EPA criteria. The SPCC Plan will address operating procedures to prevent oil spills, control measures installed to prevent oil from entering surface waters and countermeasures to contain, clean up and mitigate the effects of and oil spill. Proper implementation of an approved SPCC Plan is expected to prevent water quality violations associated the discharge of lubricating oils.
- D-12. During construction of the Activity, improper management of concrete washout activities could result in surface water quality violations. The Applicant proposes to prohibit such discharges through signage and designation of washout areas designed to contain concrete wash water. Preparation and implementation of a DES approved concrete wash water plan can be required to prevent potential water quality violations due to concrete wash water.



D-13. Operation of the Activity could result in the application of herbicides to control vegetation along access roads, pads and in the power line corridors. Improper application of herbicides can harm aquatic life and result in surface water quality violations. An email sent to DES on November 13, 2008 by Horizon's Engineering Inc. on behalf of the Applicant, stated that herbicide use will be limited to just the switchyard and substation areas. "This is due to safety concerns about using mechanized equipment (weed-whackers, and the like) around electrical equipment. If needed, herbicides will be applied in conformance with best management practices and per manufacturers recommendations. For all other areas vegetation management (typically once-a-year mowing of turbine pads and roadside slopes) will generally be done with a flail-type mower or rotary bush hog. Occasional management of successional growth under powerlines will be done through mechanized means (typically a "Brontosaurus" type of boom mower) only." It is expected that such limited use of herbicides applied in accordance with best management practices and per manufacturer's recommendations will not significantly impact surface water quality.

D-14. Maintenance of roads during the winter can sometimes involve application of de-icing chemicals that contain chloride (i.e. rock salt), which is potential water quality concern. Chlorides are conservative substances that persist in the environment. Frequent application of road salt can result in levels of chloride in surface waters that are harmful to aquatic life. In an email sent to DES on November 10, 2008 by Horizons Engineering on behalf of the Applicant, the following is stated: "Winter access for preventative maintenance will be done using tracked equipment (snowmobiles and snowcats), however plowing may be needed for unscheduled maintenance of turbines that require large or heavy component replacement if oversnow transport is not a feasible option. During such an unplanned event it is possible that sand or a sand/salt blend might need to be applied to the plowed road surface to aid in traction of a transport vehicle hauling a replacement part. Again, these type of events are considered infrequent and would be used if all other reasonable options (such as over snow transport) have been exhausted first." "The blending of salt with the sand is generally done to keep the sand from freezing so that the sand can be loaded into a spreading vehicle to be applied to roadway to aid in traction. Given the anticipated infrequent nature of needing a plowed access to a portion of the site (unforeseen equipment breakdown and replacement), the ability to find dry sand that is free from any salt in the dead of winter may severely hamper the ability to make repairs to their infrastructure." It is expected that such limited use of sand and chloride will not significantly impact surface water quality.

D-15. Projects involving alteration of terrain can result in discharges to surface waters of nutrients such as phosphorus and nitrogen that can lead to

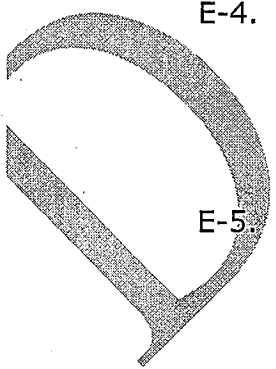
excessive aquatic plant growth and impairment of aquatic life and contact recreational uses such as swimming or wading. Application of fertilizers can be a primary source of nutrients. An email sent to DES on November 13, 2008 by Horizon's Engineering on behalf of the Applicant, stated the following: "Fertilizers will only be used for initial vegetation establishment if soils analyses indicate a need for fertilizer. In such case the fertilizer will be applied only at agronomic rates indicated by such soil analyses." It is expected that a one time application of fertilizer with fertilizer application rates for nitrogen, phosphorus and potassium based on soils analyses coupled with requirements to only use fertilizers with slow release nitrogen and no pesticides will not result in any significant impacts to surface water quality.

D-16. Projects involving alteration of terrain can result in water temperature increases due to removal of vegetation adjacent to surface waters that provide natural shading, construction of impervious surfaces such as pavement and rooftops and construction of best management practices such as detention ponds. Significant temperature increases can adversely impact the Biological and Aquatic Community Integrity (Env-Wq 1703.19) of surface waters especially in temperature sensitive cold water fisheries. The Activity has been designed to minimize thermal increases by utilizing gravel instead of impervious pavement for access roads and pads, by maintaining natural vegetated buffers to surface waters (except at stream crossings) that will aid in the re-assimilation of runoff into the ground where it can be cooled and enter the groundwater table, and by avoiding the use of best management practices that detain stormwater such as detention ponds. Construction of the proposed stormwater system for the Activity is not expected to result in any significant increase in water temperature and, therefore, should not cause or contribute to impairment of the Biological and Aquatic Community Integrity (Env-Wq 1703.19).

D-17. Confirmation that the Activity does not cause or contribute to surface water quality violations can be determined by development and implementation of a surface water monitoring plan with appropriate quality assurance/ quality control provisions.

#### **E. WATER QUALITY CERTIFICATION CONDITIONS**

E-1. The Activity shall not cause or contribute to a violation of surface water quality standards. If DES determines that surface water quality standards are being violated as a result of the Activity, DES may modify this 401 Certification to include additional conditions to ensure the Activity complies with surface water quality standards, when authorized by law, and after notice and opportunity for hearing.

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- E-2. The Applicant shall allow DES to inspect the Activity and its effects on affected surface waters at any time to monitor compliance with the conditions of this 401 Certification.
- E-3. The Applicant shall consult with DES regarding any proposed modifications to the Activity, including construction or operation, to determine whether this 401 Certification requires modification in the future.
- E-4. The Applicant shall comply with the conditions of the DES Wetlands Bureau Permit issued for the Activity by the DES Wetlands Bureau, including any amendments. The conditions shall become conditions of this 401 Certification upon issuance of this 401 Certification. This 401 Certification approval is contingent upon issuance of the DES Wetlands Bureau permit.
- E-5. The Applicant shall comply with the conditions of the DES Alteration of Terrain Program Permit issued for the Activity by the DES Terrain Alteration Bureau, including any amendments. The conditions shall become conditions of this 401 Certification upon issuance of this 401 Certification. This 401 Certification approval is contingent upon issuance of the DES Alteration of Terrain Program permit.
- E-6. Unless otherwise authorized by DES, the Applicant shall keep a sufficient quantity of erosion control supplies on the site at all times during construction to facilitate an expeditious (i.e., within 24 hour) response to any construction related erosion issues on the site.
- E-7. Unless otherwise authorized by DES, the Applicant shall prepare a turbidity sampling plan to confirm that measures to control erosion during construction are not causing or contributing to surface water quality violations. The plan shall include sampling locations, sampling protocols and quality assurance quality control provisions. The plan shall be submitted to DES for approval at least 90 days prior to construction. The applicant shall then implement the approved plan. Unless otherwise authorized by DES, the turbidity sampling results along with station ID, date, time, other field notes, and a description of corrective actions taken when violations of state surface water quality criteria for turbidity are found, shall be submitted to DES via electronic mail within 48 hours of collection.
- E-8. Unless otherwise authorized by DES, the Applicant shall develop and submit a monitoring plan to DES for approval at least 90 days prior to construction. The purpose of the plan is to confirm that the Activity is not causing or contributing to violations of state surface water quality standards. The plan shall include the parameters to be sampled, the location, timing and frequency of sampling, sampling and laboratory protocols, quality assurance / quality control provisions as well as when data will be submitted to DES. The applicant shall consult with DES and submit the monitoring data in a format that can be automatically uploaded

into the DES Environmental Database. Once approved by DES, the Applicant shall implement the sampling plan.

- E-9. In order to ensure the long-term effectiveness of approved stormwater practices, the Applicant shall develop an Inspection and Maintenance (I & M) plan approved by DES. Unless otherwise authorized by DES, the I & M plan shall comply with the requirements of the Alteration of Terrain regulations (Env-Wq 1500 – effective 01-01-2009), section Env-Wq 1507.08 Long Term Maintenance. Prior to construction, the Applicant shall submit the I & M plan to DES for approval and then implement the approved plan.
- E-10. The Applicant shall prepare and submit a Spill Prevention, Control, and Countermeasures plan (SPCC) for the Activity in accordance with federal regulations (40 CFR part 112). The Applicant shall submit the plan to DES Watershed Management Bureau for review and approval at least 90 days prior to the installation of the first turbine. The SPCC Plan shall include, but not be limited to, operating procedures to prevent oil spills, control measures installed to prevent oil from entering surface waters, countermeasures to contain, clean up and mitigate the effects of an oil spill, and facility inspections. The Applicant shall then implement the approved plan.
- E-11. The Applicant shall submit a plan to prevent water quality violations due to discharges of concrete wash water during construction. The Applicant shall submit the plan to DES Watershed Management Bureau for review and approval at least 90 days prior to placement of any concrete within the Activity area. The Applicant shall then implement the approved plan.
- E-12. Herbicide use associated with the Activity shall be minimized to the maximum extent possible and shall only be allowed on a limited, as-needed basis in the switchyard and substation areas to control vegetation that could otherwise disrupt operation of the Activity. Herbicides shall only be applied in strict accordance with the manufacturers recommendations. Unless otherwise authorized by DES, the Applicant shall maintain records of herbicide use, including the name and brand of herbicide used, the date herbicides were applied, where they were applied, and the amount used. Such records shall be provided to DES within 30 days of receiving a request from DES.
- E-13. Unless other authorized by DES, fertilizers shall only be applied once on soils disturbed during construction to support the initial establishment of vegetation. Prior to fertilizer application, soils shall be tested to determine the minimum amounts of lime, nitrogen (N), phosphorus (P) and potassium (K) needed to support vegetation. Lime application rates, fertilizer selection (in terms of N, P and K content) and fertilizer application rates shall be consistent with the soil test results. Fertilizers shall not

contain any pesticides. Where possible, fertilizer with slow release nitrogen shall be used. Soil test results, the name, brand and nutrient content (N, P and K) of fertilizer and application rates for lime and fertilizer shall be provided to DES within 30 days of receiving a request from DES.

E-14. To the maximum extent possible, winter access for maintenance or other purposes shall be accomplished using tracked equipment (i.e., snowmobiles and snowcats). Plowing and/or sanding of roads (including use of sands containing chloride) for winter access shall be minimized to the maximum extent possible, and shall only be allowed when over-snow transport using tracked equipment is not feasible (i.e., such as for the unscheduled maintenance of turbines that require large or heavy component replacement that cannot be transported over-snow). Unless otherwise authorized by DES, the Applicant shall maintain records of the dates when chloride was applied, the reason it was applied, and the estimated amount of chloride applied on each date. The Applicant shall submit such records to DES within 30 days of receiving a request from DES.

E-15. The terms and conditions of this 401 Certification may be modified and additional terms and conditions added as necessary to ensure compliance with New Hampshire surface water quality standards, when authorized by law, and after notice and opportunity for hearing.

## **F. APPEAL**

If you are aggrieved by this decision, you may appeal the decision to the Water Council. Any appeal must be filed within 30 days of the date of this decision, and must conform to the requirements of Env-Wc 200. Inquiries regarding appeal procedures should be directed to NHDES Council Appeals Clerk, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095; telephone (603) 271-6072.

If you have questions regarding this Certification, please contact Gregg Comstock at (603) 271-2983.

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Harry T. Stewart  
Director, DES Water Division

cc: Richard Roach, ACOE (email)  
Paul Currier, DES Watershed Management Bureau (email)  
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EFSEC?

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**FOR PUBLIC REVIEW**

EFSEC Stakeholders

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